the reader has been led along until finally, filled with a knowledge of the past he is shown every phase of the actual private law of France today. In the final paragraph of the chapter entitled "History of Private Law," the author says: "Roman legislation now harmonized with the spirit of modern law, the canon law and Christian ideas, the conception of equity and national right, are mingled with old Germanic bases in customs, laws, jurisprudence and doctrine, in order to complete the extensive structure of our old private law."

This book lucidly and authentically tells how all this has come about and no lawyer can fail to reap both pleasure and profit from its perusal.

W. W. Smithers.

THE LEGAL POSITION OF TRADE UNIONS. By Henry H. Schloesser & W. Smith Clark. London: P. S. King & Son, 1912.

Two tendencies are traceable in both England and America as regards the solution of labor disputes: One is the gradual perfection of more effective means of preventing them through the adoption of progressive up-to-date methods in labor management, the elimination of the causes of discontent, and above all, the quick settlement of small, trifling, but exasperating differences, before they can grow into serious complications. The second tendency is the attempt of both sides in the struggle to intrench themselves more thoroughly in the legislation and court decisions affecting their rights. This second tendency is one which most closely concerns the lawyer—it is a losing fight for the employer, whose main effort is now concentrated upon a rear guard fight, to prevent the repeated conquest of the field by the employee only. It is to this second side of the problem that Messrs. Schloesser and Clark have devoted their attention. British law only is considered and the book is evidently intended for the attorney rather than the layman. It describes the gradual growth of legislation favorable to the unions from the earliest common law decisions on record down to the most modern legislation of 1871, 1875, 1876, 1906, 1910 and 1911. The authors give an excellent concise summary of the powers of trade unions, and the law upon the criminal and civil liabilities arising from concerted interference with trade or employment. It is on this question and in the insurance of employers by the state that the British law has gone to a much more advanced point than our own. The problem of securing a legal status for the union as regards its contracts, its relations towards its own members and towards outsiders, has been only partially solved by the provision for "registration." Such registration is permissive not compulsory, and it is sought to induce the unions to register by giving them special facilities of ownership of land, the right to sue, etc. The position of the union is still unsatisfactory both to its members and to outsiders; it is neither a corporation, nor an individual, nor a partnership. A great proportion of the unions are still unregistered.

The authors have done a good piece of work, particularly in condensing to the last point the statement of principles under each question, while giving references for further examination by the reader who is so disposed. The book is in consequence one of value to the American legislator, and to the attorney who may be employed in the drafting of new measures.

J. T. Y.

GUIDE TO THE LAW AND LEGAL LITERATURE OF GERMANY. By Edwin M. BORCHARD. Washington: Government Printing Office, 1912.

Mr. Borchard, who is law librarian of the Library of Congress, has given us in this small volume a very valuable and timely bibliography of the law of Germany, and has shown us in a very acceptable fashion how to find the law of that country. The book is witness that a great amount of time and trouble have been spent upon it, and it will doubtless become a handbook for the increasing number of persons who are interested in the law of the European Continent.

A glossary of German legal terms is especially valuable, as the Germans have allowed their legal phraseology to fall into a most unliterary form, unnecessarily complicating the study of the German legal philosophy with the study of a new technical language.

In his introduction, Mr. Borchard allows himself to make, probably without

intention, some depreciating remarks about the lack of any system in the common law, and repeats the rather flippant remark of Pollock in regard to English case law as, "Chaos, tempered by Fisher's Digest," and Bryce's "Tangled mass of irreconcilable contrarieties," capping them by characterizing American case law as "Chaos, tempered by the digests of enterprising publishing companies." He attempts to bring Maitland into line with these remarks, but Maitland merely said that he feared we did not often think of our legal system as a whole. The remarks above quoted seem to bear out Mr. Maitlaud's fear. Someone when speaking in a lighter vein, says something that sounds rather witty about the common law, and bewildering precedents, and immediately every one who has been bewildered by precedents agrees that there is no science of the common law; but this would seem to prove that, as Mr. Maitland says, we do not think of our legal system as a whole, rather than that we have not a legal system at all. It may be an antiquated idea, but some persons still believe that Coke had some justification for his admiration of the common law, and have not become fully convinced that there has been so great and disastrous a decline in the great system since his day as to call for its amelioration by "the digests of enterprising publishing companies." Might it not be suggested that a modern tendency to lean too heavily upon such digests has something to do with this theory (if it may be called a theory) that the great system of the common law, worked out through centuries of conscientious toil by the leaders of our legal thought, kept always in touch with the life of the common people, as no other system of law has ever been, from the days of the first Year Book to the last decision of the Supreme Court, is a mere mass of decided cases, without principles to guide it, or pathway upon which to follow it.

We have no space in which to present an argument for the common law, but would suggest that a careful reading of the decisions of our greater jurists, through the centuries since Coke, even to the present day, would show that they at least have always retained the superstition, if we must call it so, that there are principles upon which they should decide their cases, and that they have made some—pitiable perhaps, but honest—attempts to decide the cases brought before them in accordance with such principles.

M. C. K.